

12 KAR 5:010. Licenses.

RELATES TO: KRS 260.775-260.845, 260.992

STATUTORY AUTHORITY: KRS 260.825(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.825(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 260.775 to 260.845 regarding milk. This administrative regulation establishes a procedure to license a person or entity who is qualified as a milk handler, laboratory, sampler-weigher, tester, or transfer station.

Section 1. (1) License to handle milk, laboratory license, and transfer station license. Upon receipt of an accurately-completed application with fee as required by KRS 260.815, and if the applicant is deemed to be qualified and in compliance with KRS 260.775 to 260.845, the director may issue a license to handle, laboratory license, or transfer station license. Each license shall be displayed accordingly:

- (a) A current license to handle milk shall be prominently displayed at each handling location;
- (b) A current laboratory license shall be prominently displayed at each laboratory location; and
- (c) A current transfer station license shall be prominently displayed at each transfer station location.

(2) Temporary license to sample and weigh milk. Upon receipt of an accurately-completed application with fee as required by KRS 260.815, and if the applicant is deemed to be qualified and in compliance with KRS 260.775 to 260.845, the director may issue a 120-day, temporary license to sample and weigh milk. A temporary license may only be reissued if a person does not pass the written examination requirement of paragraph (b) of this subsection.

(a) A person issued a temporary license to sample and weigh milk shall be provided informational material by the director to notify him of proper sampling and weighing procedures. He shall become familiar with the informational material and shall perform the procedures under the supervision of a licensed sampler-weigher until a supervisor believes he is competent of proper procedures. When he has become familiar with and complies with proper procedures, he may sample and weigh milk without immediate supervision. He shall carry the temporary license to sample and weigh when sampling and weighing milk.

(b) A person issued a temporary license to sample and weigh milk shall be scheduled for and required to attend a one (1) day training school and take a written examination administered by the director. Upon scoring a minimum of seventy (70) percent on the written examination, a license to sample and weigh milk may be issued. The person shall carry the license to sample and weigh when sampling and weighing milk.

(3) Temporary license to test milk. Upon receipt of an accurately-completed application with fee as required by KRS 260.815, and if the applicant is deemed to be qualified and competent and in compliance with KRS 260.775 to 260.845, the director may issue a 120-day temporary license to test milk. A temporary license may only be reissued if a person does not pass the written examination requirement of paragraph (b) of this subsection.

(a) A person issued a temporary license to test milk shall be provided informational material by the director to notify him of proper testing procedures. He shall become familiar with the informational material and shall perform the testing procedures for which he seeks approval under the supervision of a licensed tester until a supervisor believes he is competent of proper procedures. When he has become familiar with and complies with proper procedures, he may test milk without immediate supervision. A person shall conspicuously post the temporary license to test in the laboratory where testing is performed or carry the temporary license to test when he is testing milk.

(b) A person issued a temporary license to test milk shall demonstrate competency in milk test-

ing procedures for which he seeks approval to the director and shall take a written examination administered by the director. Upon demonstrating competency and scoring a minimum of seventy (70) percent on the written exam, a license to test milk may be issued. The milk tester shall conspicuously post the license to test in the laboratory where testing is performed or carry the license to test when he is testing milk.

(4) Renewal for a license to sample and weigh and renewal for a license to test. Upon receipt of an accurately-completed renewal application with fee as required by KRS 260.815, and if the applicant is deemed by the director to be in compliance with KRS 260.775 to 260.845, the director may issue a renewed license to sample and weigh or a renewed license to test. An applicant may renew a lapsed license for up to three (3) years past the expiration date by paying back-fees for each year and one (1) penalty fee provided for in KRS 260.992(3).

(5) All licenses issued under the authority of KRS 260.775 to 260.845 shall expire on June 30 of each year. The licenses shall be renewed on or before July 1 by accurately completing and submitting an application with the appropriate fee to the director. Applications shall be provided by the director.

(6) Reciprocity. The director may reciprocate with other states and issue a license to sample and weigh or a license to test upon submission of satisfactory evidence that the requirement for licensure in the other state is equivalent to the requirements of KRS 260.775 to 260.845. The director may require an applicant for reciprocity to pass an examination to establish his competency. Applicants for reciprocity shall be required to submit an accurately-completed application with fee to the director.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for License to Handle Milk", October 2000, Division of Regulatory Services;
- (b) "Application for Laboratory License", October 2000, Division of Regulatory Services;
- (c) "Application for Transfer Station License", October 2000, Division of Regulatory Services;
- (d) "Application for Temporary License to Sample and Weigh Milk", October 2000, Division of Regulatory Services;
- (e) "Application for Temporary License to Test Milk", October 2000, Division of Regulatory Services;
- (f) "Renewal Application for License to Sample and Weigh Milk", October 2000, Division of Regulatory Services; and
- (g) "Renewal Application for License to Test Milk", October 2000, Division of Regulatory Services.

(2) These materials may be inspected, copied or obtained, subject to copyright law, at the Division of Regulatory Services, College of Agriculture, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (AES-CL 14, 15, 16; 1 Ky.R. 1232; eff. 7-2-75; Am. 15 Ky.R. 1118; eff. 11-23-88; 27 Ky.R. 1849; 2417; eff. 3-19-2001.)